

REMARKS

The application has been amended so as to place it in condition for allowance at the time of the next Official Action.

Claims 1-16 and 21-24 are pending.

Applicants acknowledge with appreciation that the Official Action indicated that claim 22 was directed to allowable subject matter.

In reliance thereupon, claim 22 has been amended to be in independent form. Allowance of claim 22 is solicited.

Claims 1 and 21 having been amended by incorporating therein a portion of claim 11's recitation; that is, to clarify what is meant by the previously pending recitation of "said lower and upper electrodes being connected electrically each other such that said lower and upper electrodes becomes equipotential;" (claim 1). As amended, claim 1 recites "said lower and upper electrodes being connected electrically to each other, by a connecting wiring, to make said lower and upper electrodes equipotential."

Similarly, claim 21 has been amended to recite "the lower and upper electrode pairs being connected electrically to each other [[,]] by a connecting wiring so that the lower and upper electrode pairs are being equipotential."

As this recitation has been taken from claim 11, these amendments only narrow the pending issues, and therefore entry of this amendment is solicited.

The Official Action rejected claims 1, 8-10, 14-16 and 21 as being anticipated by YOSHIOKA 5,210,468.

As previously noted, the first-named inventor of the present application is the inventor of the applied reference.

The Official Action rejected claims 2-7 over YOSHIOKA.

Claims 2-7, and 23-24 stand rejected as obvious over YOSHIOKA.

Claims 11-13 stand rejected as obvious over this reference in view of NAGANO 5,428,263.

As to the anticipation rejection, the Official Action stated that the YOSHIOKA aluminum oxide layer 3 "electrically connected the upper and lower electrodes." This is not consistent with the established meaning of the phrase "electrically connected" and that aluminum oxide is an insulating layer. To allow such an extreme view, i.e., that "a few electrons still move through the layer" would mean that recitations such as "an insulating layer" would require a perfect insulator.

The Official Action should withdraw from this position.

The Official Action also stated that the two set of electrodes of YOSHIOKA were equipotential whenever the individually voltages applied were the same.

However, the recitation of claim 1 was that "said lower and upper electrodes being connected electrically [to] each other such that said lower and upper electrodes becomes equipotential." The recitation was clear that it was the lower and upper electrodes being connected electrically to each other that provided the electrodes to be equipotential.

YOSHIOKA clearly does not anticipate this recitation.

However, in order to advance the case, the explicit recitation from claim 11 has been incorporated so that the claim recites "said lower and upper electrodes being connected electrically to each other, by a connecting wiring to make said lower and upper electrodes equipotential."

YOSHIOKA clearly does not anticipate this recitation.

Nor could YOSHIOKA be modified to anticipate as YOSHIOKA requires different signals to be applied to the upper and lower electrodes.

As to the pending obviousness rejection of claim 11, the Official Action acknowledges that YOSHIOKA does not teach this feature. NAGANO was offered as connecting a cathode pattern 12 to a terminal electrode 3 via connecting electrodes 13. This, however, only teaches using a wiring to extend electrodes to a

remotely located terminal. There is no teaching as to that recited, i.e., as to electrically connecting upper and lower electrodes so that they would be equipotential.

Additionally, even if there were such a teaching, the teaching could not be applied to YOSHIOKA as this reference requires different signals being applied to the upper and lower electrodes. YOSHIOKA in independent claim 1 explicitly recites a first power supply means including means for supplying a first voltage pulse to said first pair of electrodes and a second power supply means including means for supplying a second voltage pulse to said pair of second electrodes. In reviewing the applied reference, it is clear that what is taught is that each of the electrodes has its own power source and receives different voltage pulses. That could not happen if the electrodes were wired together and equipotential.

For all these reasons, reconsideration and allowance of independent claims 1 and 21 are respectfully requested.

The dependent claims are believed to be allowable at least for depending from an allowable claim.

In view of the above, all the presented claims are believed to be patentable.

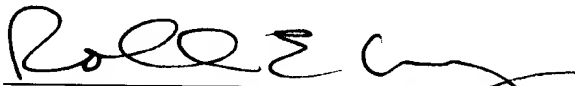
Applicants believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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